

APPROVED 2/16/06

**CHARTER REVIEW COMMISSION
MEETING**

Thursday, January 19, 2006, 8:00 a.m.

**6th Floor Front Conference Room
Council Office Building**

Minutes

Commission Members Present:

Kenneth Muir, Chair
Barbara Smith Hawk, Vice Chair
Julie Davis
Mollie Habermeier
Cheryl Kagan
Randy Scritchfield
Robert Skelton (via telephone)
Shelton Skolnick
Sally Sternbach
Michael McKeehan
Robert Reeder

Staff:

Sonya Healy, Legislative Analyst
Carol Edwards, Legislative Services
Coordinator
Justina Ferber, Legislative Analyst
Marc Hansen, Chief, Division of General
Counsel, Office of the County Attorney

Guests:

Dale Tibbitts, Montgomery County Civic
Federation

The meeting began at 8:10 a.m.

The Commission Chair distributed a draft position statement from the Executive Committee of the League of Women Voters stating their position on the composition of the County Council. The position statement is subject to Board approval which is scheduled to take place on February 1. The League's position statement supports a Council composed of nine Councilmembers with a combination of elected at-large and members elected from Councilmanic districts (no consensus on number of at-large/district members). The League also believes that a local commission should continue to draw the Councilmanic districts, and Councilmanic districts should be compact, contiguous, and of approximately equal population. The League opposes an automatic increase of the size of the Council in response to population increases.

Marc Hansen informed the Commission that a sponsor has submitted 2 petitions thus far. One petition would amend the County Charter by adding a new Section 219, to provide for a Commission on Waste and Duplication. Another petition would amend Section 105 of the Charter, Term of Office: "In no case shall a Councilmember be permitted to serve more than three consecutive terms. The petition would also amend Section 202 of the Charter to limit the County Executive to serve no more than three consecutive terms". If these proposals are placed on the ballot and passed, this law would go into effect in December 2010. The petitions were

delivered to the County Executive on December 28, 2005. The County Executive forwarded the petitions to the Board of Elections for the Board's review. Mr. Hansen stated that the petitions may not meet all of the requirements of the State statute for legal sufficiency. It has been reported that a third petition by the same sponsor is being circulated relating to the Council's ability to override the tax cap.

B. Congruency of Petition/Ballot Language

The Commission discussed the subcommittee's draft proposal and comments made by Mike Faden, the Council's Senior Legislative Attorney, (see attached). The subcommittee is suggesting that the process could be changed by:

- re-ordering the steps in the process;
- changing the Montgomery County Charter;
- advocating to change the Maryland Election Law;
- advocating to change the Maryland Constitution; or
- some combination of the above.

The Commission Chair asked Dale Tibbitts, representative from the Civic Federation if the proposal would clarify the Civic Federation's concerns. Mr. Tibbitts responded that the proposal would be an improvement over the existing procedure. The Civic Federation's position is that the petition generated language should be the same as the language on the final ballot so the original intent of the petitioner is maintained.

Marc Hansen reminded the Commission that any changes to the process might require changing State law. The Commission Chair commented that ballot language is not a Charter issue and asked the Commissioners to decide if it wants to pursue a change in the process. Commissioners suggested that the proposal should be included as a section in the final report, and suggest that the Council review it and make a recommendation to the State.

Action: The Commission Chair asked the subcommittee to revise its report to reflect this recommendation.

C. Number of Signatures Required to Petition a Charter Amendment

The Commission Chair commented that the Montgomery County Delegation will vote on a draft bill that would allow the County government to change the number of signatures needed to place a Charter amendment on the ballot. It was suggested that the Commission ask the Council for its advice before moving forward on the Delegation's proposal. Commissioners also suggested that the proposal could be highlighted as an issue of concern in the final report.

Action: The Commission Chair asked the subcommittee to review its report on the number of signatures required to petition a Charter Amendment.

D. Proposals to Change the Structure of the Council

The Commission continued to debate this issue.

Commissioner Skelton supports former Councilmember Leggett's proposal to change the structure of the Council to 8 district and 3 at-large Councilmembers.

It was suggested that the Commission include in the final report a recommendation for a "farm team approach" such as Councilmember Praisner's recommendation that groups like the Regional Service Center Boards or other local organizations could serve as incubator programs to groom future Council candidates.

Action: Council staff will provide a population projection for the County at the next meeting.

II. Meet with Councilmember Denis

Structure of the Council: Councilmember Denis commented that district Councilmembers are closer to the community especially on land use and budget issues. He supports an odd number of Councilmembers with a majority of district representatives. He emphasized the fiscal implications of increasing the size of the Council.

Number of signatures required to petition a Charter Amendment: Councilmember Denis stated he is comfortable with the present law. He does not believe it's necessary to make it more difficult to change the Charter. He believes that some states have gone overboard with referendums.

Final Ballot Language: Councilmember Denis commented that the present procedure is reasonable; however, the Council should strive for fairness in wordsmithing. Ballot language should reflect the petitioner's intent.

Full-time vs. Part-Time Compensation: Councilmember Denis commented that the Charter is silent on whether the Council is considered a full-time or part-time job. He stated that if an individual believes that elected officials aren't doing a good job, they have the option of voting for other candidates.

III. Administrative Items

Approval of the December 15th minutes was deferred until the February meeting. Commissioner Habermeier will clarify the subcommittee's section in the minutes on the number of signatures required to petition a Charter Amendment and bring it back to the next meeting.

Most of the next meeting will be dedicated to the proposals to change the structure of the Council. Written sections on this subject should be submitted prior to the meeting.

Action: The deadline to submit subcommittee reports to Council staff is February 10.

Meeting adjourned at 10:05 a.m.

The next meeting is scheduled for February 16, 2006.